

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 8-16 are currently pending, with Claims 11-12 withdrawn from consideration. Claims 1 and 8 are amended; new Claims 15-16 are added; and Claims 2, 3, and 5-7 are canceled without prejudice or disclaimer by the present amendment. No new matter is added.

Office Action Summary

The Amendment filed on February 26, 2009, was indicated as not fully responsive to the previous Office Action because newly added Claims 13 and 14 did not identify the elected species; Claim 1 was objected to over informalities; Claims 13 and 14 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; Claims 1 and 5-8 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,700,550 to Rhodes (hereinafter “the ‘550 patent”); Claims 9-10 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘550 patent in view of U.S. Patent No. 4,703,886 to Kirby (hereinafter “the ‘886 patent”); and Claims 13-14 were rejected under 35 U.S.C. § 103(a) as unpatentable over the ‘550 patent in view of U.S. Patent No. 4,786,301 to Rhodes (hereinafter “the ‘301 patent”).

Interview Summary

First, Applicants wish to thank Examiner Cox and Supervisory Examiner Jules for the courtesy of a personal interview extended to Applicants’ representative on July 28, 2009, during which the outstanding issues in the present application were discussed. During the interview, a

proposed amendment of Claim 1 was discussed, and Examiner Cox indicated that the proposed amendment of Claim 1 appears to overcome the rejections of record, but further search will be needed. Further, Examiner Cox indicated that a Request for Continued Examination (RCE) would need to be filed to enter the proposed amendment of Claim 1. Finally, Applicants' representative explained where in the specification and drawings support for Claims 13 and 14 can be found. Suggestions discussed during the interview are incorporated into the present Amendment.

Non-responsive Amendment

In response to the indication of a non-responsive Amendment, Applicants respectfully submit that a letter was filed with the U.S. Patent and Trademark Office on July 14, 2009, addressing the identified issues (identifying Claims 13 and 14 as reading on elected species H). Accordingly, Applicants respectfully submit that the issue of the previous non-responsive Amendment has been addressed.

Objection to Claim 1

Applicants respectfully submit that amended Claim 1 overcomes the objection to Claim 1, and that all informalities identified in the outstanding Office Action have been addressed. Accordingly, Applicants respectfully request that the objection to Claim 1 be withdrawn.

Rejection of Claims 1 and 5-8 under 35 U.S.C. § 102(b)

Applicants respectfully traverse the rejection of Claims 1 and 5-8 under 35 U.S.C. § 102(b) with respect to amended Claim 1. Claims 5-7 are canceled, rendering the rejection of Claims 5-7 moot.

Claim 1 is amended to recite, *inter alia*,

a cold and hot water circuit for the flow of cold and hot water, the cold and hot water circuit including four heat exchangers...

a first switching mechanism for switching a direction of cold and hot water flow so that hot water flows through one of the adsorption heat exchangers while cold water flows through the other adsorption heat exchanger, and

a second switching mechanism for switching the direction of cold and hot water flow so that hot water flows through one of the air heat exchangers while cold water flows through the other air heat exchanger.

As a discussed during the interview, the ‘550 patent is silent regarding the features recited in amended Claim 1. Therefore, Applicants respectfully submit that amended Claim 1 (and all associated dependent claims) patentably defines over the ‘550 patent, and request that the rejection of Claims 1 and 8 under 35 U.S.C. § 102(b) be withdrawn.

Rejection of Claims 9-10 and 13-14 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of Claims 9-10 and 13-14 under 35 U.S.C. § 103(a), and submit (and indeed the outstanding Office Action does not assert otherwise) that the ‘886 patent and the ‘301 patent fail to cure the deficiencies of the ‘550 patent with regard to amended Claim 1. Therefore, dependent Claims 9-10 and 13-14 patentably define over any proper combination of the applied references at least by virtue of direct or indirect dependence from Claim 1. Accordingly, Applicants respectfully request that the rejection of Claims 9-10 and 13-14 under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 13-14 under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the rejection of Claims 13-14 under 35 U.S.C. § 112, first paragraph. Claims 13-14 are supported at least by Figs. 21-22. Specifically, as discussed during the interview, streams of air are illustrated in Figs. 21 and 22 with various solid, dashed, and dotted lines. Therefore, the specification is amended to indicate that dotted lines in Figs. 21

and 22 represent streams of air. Accordingly, Applicants respectfully submit that Claims 13-14 are fully supported by the specification, and request that the rejection of Claims 13-14 under 35 U.S.C. § 112, first paragraph, be withdrawn.

New Claims 15-16

New Claims 15-16 are added to vary the scope of patent protection and to further define over the applied references. Claims 15-16 are supported at least by Figs. 21 and 22, and associated text. Thus, no new matter is added. Claims 15-16 are allowable at least by virtue of dependence from independent Claim 1.

Conclusion

In view of the above amendment and the foregoing remarks, Applicants believe the pending application is in condition for allowance.

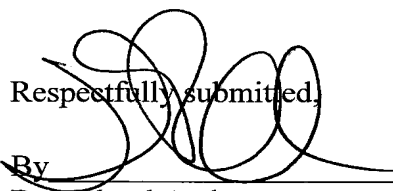
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact George S. Dolina, Reg. No. 63,654 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By



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